

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY  
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ELECTRONICALLY FILED  
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DATE FILED: 6/2/2021

WENDY SHINE, *individually and  
on behalf of her minor child, C.W.,*

Plaintiff,

v.

NEW YORK CITY HOUSING AUTHORITY,  
Defendant.

No. 19-cv-4347 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

Plaintiff Wendy Shine, on behalf of herself and her minor child C.W., brings this action against Defendant New York City Housing Authority (“NYCHA”), alleging that its failure to effectively abate mold in her public-housing apartment violated the Americans with Disabilities Act (“ADA”), the Rehabilitation Act, and state law. On September 18, 2020, the Court granted NYCHA’s motion to dismiss the complaint on the basis that Plaintiff had failed to plausibly state a claim under the ADA and Rehabilitation Act for failure to reasonably accommodate a disability.

*See Shine v. NYCHA*, No. 19-CV-04347 (RA), 2020 WL 5604048 (S.D.N.Y. Sept. 18, 2020).

Plaintiff was nonetheless granted leave to amend her complaint and supplement it with “additional factual allegations to establish: (1) how her alleged physical impairments substantially limited one or more major life activities, and (2) whether NYCHA knew or reasonably should have known of her and C.W.’s alleged disabilities.” *Id.* at \*9. Plaintiff timely filed an amended complaint, which NYCHA moved to dismiss on October 23, 2020.

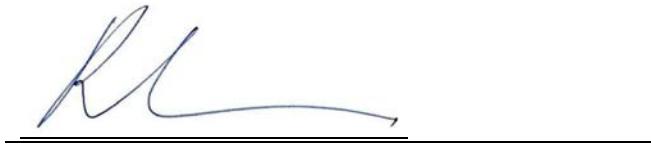
For the reasons discussed at today’s oral argument, the First Amended Complaint fails to adequately address the pleading deficiencies identified in the Court’s Opinion of September 18,

2020. The Court will allow Plaintiff one more opportunity to amend her complaint so as to plausibly allege a federal claim for discrimination on account of a disability. In particular, Plaintiff shall include factual allegations that detail how NYCHA representatives knew or should have known that she and her son suffered from a disability, specifying the timeframe on which any such notifications occurred, the particular information provided, and who specifically was notified.

If Plaintiff chooses to file a Second Amended Complaint, she shall do so by no later than June 25, 2021. Plaintiff's counsel is further ordered to show this Order to Plaintiff.

SO ORDERED.

Dated: June 2, 2021  
New York, New York



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Ronnie Abrams  
United States District Judge